



**FARUQI & FARUQI**  
LLP  
ATTORNEYS AT LAW

NEW YORK

CALIFORNIA

DELAWARE

PENNSYLVANIA

September 12, 2016

**BY ECF**

The Honorable George B. Daniels  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street  
New York, NY 10007-1312

**Re: *In re Sling Media Slingbox Advertising Litigation*,  
Civ. Action No. 1:15 Civ. 05388**

Dear Judge Daniels:

We represent Plaintiffs in the above-referenced action.

In the Court's order of August 12, 2016 (ECF No. 40), the Court dismissed Plaintiffs' claims and invited Plaintiffs to submit a proposed amended complaint for the Court's consideration.

As this Court is well aware, leave to amend is to be liberally granted. *See Loreley Fin. (Jersey) No. 3 Ltd. v. Wells Fargo Sec., LLC*, 797 F.3d 160, 190 (2d Cir. 2015).

In this case, amendment would not be futile. Plaintiffs have:

- asserted a claim for breach of the duty of good faith and fair dealing;
- alleged facts demonstrating that Defendant planned to impose advertising on consumers long before Plaintiffs purchased their products;
- explained how the imposition of ads negatively affected consumers' use and enjoyment of the Slingboxes and caused them harm; and
- narrowed the proposed Class to consumers who purchased their Slingboxes in the State of New York.

We thank the Court for its consideration of this matter.

Very truly yours,

Adam Gonnelli